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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Reallocation of Television Channels
60-69, the 746-806 MHZ Band

ET Docket No. 97-157

To: The Commission

COMMENTS
OF
THE CITIES OF DALLAS, AUSTIN, DENTON, AND PLANO

1. INTRODUCTION

1.1 The Cities of Dallas, Austin, Denton, and Plano ("The Texas Cities") hereby submit these comments to the above captioned docket.

1.2 Dallas is a city with a population of over 1,000,000 and encompasses 333 square miles within its jurisdictional boundaries. The public safety communication system of Dallas is the eighth largest in the nation and remains at the forefront of technological innovation.

1.3 The Commission has been active in seeking to enhance the delivery of public safety services. The formation of the Public Safety Wireless Advisory Committee, this rulemaking and the adoption of rules related to the implementation of a three digit reliever number for 9-1-1 are all recent actions of the Commission which the Texas Cities believe will greatly benefit public safety. Since inception, the City of Dallas was an active participant in the proceedings of the Public Safety Wireless Advisory Committee. The Texas Cities see this proposed rulemaking on the dedication of public spectrum as another step in the Commission's active support of use of spectrum to enhance public safety. As noted by PSWAC, the lack of adequate spectrum to conduct operations has hampered the protection of public health and safety.

1.4 In general, the Texas Cities support the proposed rule upon which the Commission seeks comment. We commend the Commission for developing an excellent plan that will result in a rapid deployment of critically needed frequency spectrum for public safety use.

DISCUSSION

2.1 The Texas Cities support the proposed allocation of spectrum in the 746-806 MHZ

band. The proposed designations of specific blocks outlined for public safety, i.e. 764-776 MHz and 794-806 MHz, are the best choices for the rapid implementation of wireless equipment that is yet to be designed or manufactured. Having said that, other issues must be adequately addressed for the dedication to public safety to have the anticipated and hoped-for impact.

2.2 The Commission must apply secondary status to LPTV stations which are currently assigned to operate in the spectrum which is anticipated for use by public safety. Any interference will compromise the main goal of this rulemaking. The ultimate rule must eliminate any interference of the use of the anticipated spectrum by this programming.

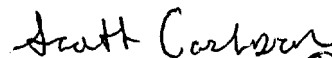
2.3 Similarly, the Texas Cities are concerned with the Commission proposal to accommodate LPTV station location through negotiations with a public safety community which has acquired the primary rights to this spectrum. The necessity for the dedication of spectrum was driven by the reality that local governments were unlikely to be able to compete in auctions for spectrum. The possibility that local governments would have to negotiate with LPTV stations is simply another variation upon that theme which the Commission should avoid. As far as financial incentives, no local government agencies have the financial resources to participate in such a process. Compounding the problem, any negotiations process would serve to delay the critically needed deployment of new public safety systems, undermining the best efforts of all who have been involved in this process of qualifying, quantifying and identifying new spectrum.

2.4 We encourage the Commission to refrain from any mandate that would have public safety entities negotiate with LPTV incumbent or pending licensees. Our suggestion is that LPTV stations in the channel 60-69 range be given secondary status and any needed relocations be done as a reallocation of the remaining broadcast channels.

SUMMARY

3.1 The Texas Cities believe that the Commission has taken the critical first step that will have positive far reaching implications for all, resulting in a new era for wireless communications necessary for the protection of life and property. It is our hope that the Commission will continue to proceed forward in an expeditious manner with this excellent plan and resist proposals which might frustrate the rapid implementation of the public safety spectrum dedication.

Respectfully submitted,



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RD WITH PERMISSION